

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

JOSE A. LOPEZ-NAZARIO,
Petitioner,
v.

MANUEL MARTINEZ-ARROYO,
WARDEN, ET AL.,
Respondent

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CIVIL NO. 98-1128 (PG)

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U.S. DISTRICT COURT
SAN JUAN, PR

ORDER

The matter before the Court is the unopposed U.S. Magistrate Judge's report and recommendation concerning López-Nazario's habeas corpus petition challenging his state-court conviction pursuant to 28 U.S.C. § 2254. (Docket #14).

The U.S. Magistrate Judge found that petitioner failed to satisfy the exhaustion requirement. 28 U.S.C. § 2254(b). The Court agrees with the Magistrate Judge's finding that López-Nazario failed to prove that he presented his federal claims to the state court. See Casella v. Clemons, 207 F.3d 18 (1st Cir. 2000) ("To satisfy the exhaustion requirement, a petitioner must present the federal claim fairly and recognizably").

Accordingly, the Court Approves and Adopts the unopposed Magistrate Judge's report and recommendation, and in accordance therewith, this section 2254 petition is hereby **DISMISSED**.

IT IS SO ORDERED.

San Juan, Puerto Rico September 7, 2000.

Juan M. Perez-Gimenez
JUAN M. PEREZ-GIMENEZ
U.S. District Judge